IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 389 of 2006 (S/B)

Deepak Rawat S/o Sri B.S. Rawat,
Project Economics,
District Rural Development Agency,
Pauri Garhwal. ……..... Petitioner

Versus

1. State of Uttaranchal,
through Secretary, Rural Development,
Uttaranchal, Dehradun.
2. Commissioner, Rural Development,
Uttaranchal, Dehradun.
3. Chief Development Officer,
Pauri / Executive Director,
District Rural Development Agency,
Pauri. …… Respondents

Mr. Vinod Nautiyal, Advocate for the petitioner.
Mr. Subhash Upadhyaya, Standing counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Vinod Nautiyal, Advocate for the petitioner.

Mr. Subhash Upadhyaya, Standing Counsel for the respondents.

They are heard.

2. Mr. Subhash Upadhyaya, the learned Standing Counsel for the respondents has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal.

3. Mr. Vinod Nautiyal, the learned counsel for the petitioner could not demonstrate as to how the alternative remedy of filing a claim

petition before the Public Services Tribunal is not efficacious in the present case.

4. In this view of the matter and following the Division Bench decisions in the case of **Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others** reported in **2006(2) U.D. 439** and **Nanda Ballabh Pant Vs. State of Uttaranchal & others (W.P.S.B. No. 257 of 2005),** we decline to exercise our discretionary jurisdiction under Article 226 of the Constitution of India.

5. The writ petition, therefore, is dismissed with the liberty to the petitioner to avail the alternative remedy of filling a claim petition before the Public Services Tribunal and also seek condonation of the delay in filing the claim petition on the ground that the petitioner was pursuing this writ petition under bonafide belief.

6. With the above order, CLMA No. 8892 of 2005 also of 2005 stands dismissed.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
03.04.2007 03.04.2007

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